IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 1806 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 28/10/2004 in WVMP.No.1249 of 2004 in WPMP.No.7665 of 2004 in WP NO : 5892 OF 2004 on the file of the High Court.)

Between:

V.J.Peter Babu, S/o.Vanga John Shouri,
R.C.M.Elementary School, Denduluru Mandal, Kovvali,
West Godavari District.

..... APPELLANT

AND

1 The Principal Secretary, School Education Department, Govt. of A.P., Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, A.P.Saifabad, Hyderabad.
3 The Regional Joint Director of School Education, Kakinada, East Godavari District.
4 RCM Schools, West Godavari and Konaseema, rep. by its Dy.General Manager fAther I.Micheal, Tangellamudi, Post., Eluru, West Godavari District.

.....RESPONDENTS

Counsel for the Appellant: MR.V.VENUGOPALA RAO

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following:

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ORAL JUDGMENT: (By GB.J.)

The Writ Appeal is filed against the orders passed by the learned single Judge in WVMP.No.1249 of 2004 in WPMP.No.7665 of 2004 in Writ Petition No.5892 of 2004, dated 28.10.2004.

2. A learned single Judge of this Court passed the order of status quo on 29.03.2004. The said order came to be vacated in WVMP.No.1249 of 2004, dated 28.10.2004 on the ground that the writ petitioner was removed from service by an order dated 17.6.2002. The said order came to be challenged in this Writ Appeal.

3. The learned counsel for the appellant submits that the order of removal was set aside by the District Educational Officer on 20.6.2004 and therefore the learned single Judge ought not to have vacated the order of status quo.

4. On the other hand the learned Government Pleader submits that against the orders of District Educational Officer, Eluru, dated 20.6.2004, an appeal was filed before the Government and the same is pending. Therefore, there is no need to interfere with the order passed by the learned single Judge.

5. We are afraid we cannot accept the contentions raised by the learned Government Pleader. As on today the order of removal has been set aside by the District Educational Officer by his order dated 20.6.2004. Even though the appeal has been filed, no interim orders were passed. Under those circumstances the learned single Judge on the ground that the appellant was removed from service could not have interfered with the order of status quo. Accordingly we find that the order of the learned single Judge vacating the status quo is not sustainable, and therefore, the order of status quo dated 29.3.2004 is restored. However, we find it appropriate to direct the Writ Petition No.5892 of 2004 should be disposed of one way or the other expeditiously. Therefore, the Registry is directed to post the Writ Petition for hearing after Sankranti Vacation, 2005.

6. Accordingly the Writ Appeal is allowed. No costs.

(G.BIKSHAPATHY, J.)

22nd November, 2004.

(P.S.NARAYANA, J.)

SSR

To

1 The Principal Secretary, School Education Department, Govt. of A.P., Secretariat, Hyderabad.
2 The Commissioner and Director of School Education, A.P.Saifabad, Hyderabad.
3 The Regional Joint Director of School Education, Kakinada, East Godavari District.
4 RCM Schools, West Godavari and Konaseema, rep. by its Dy.General Manager fAther I.Micheal, Tangellamudi, Post., Eluru, West Godavari District.

5 2 CCs to G.P. for Education, High Court of A.P. (OUT)

6 2 CD copies